

AMERICAN SOUTHERN INSURANCE
COMPANY,

Plaintiff,

V.

OCEAN ATLANTIC SERVICE
CORPORATION, PFG-WESTBURY, LLC,
and JOHN C. CARROLL,

Defendants.

Case No. 1:11-cv-638

MOTION FOR PROVE-UP AND ENTRY OF JUDGMENT

The Plaintiff, American Southern Insurance Company (“ASIC”), by its undersigned counsel, submits this Motion for Prove-Up and Entry of Judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure against the Defendants Ocean Atlantic Service Corporation; PFG-Westbury, LLC; and John C. Carroll (collectively, “Defendants”) jointly and severally, and in support, states as follows:

1. ASIC brought this lawsuit against the Defendants arising out of a General Agreement of Indemnity between ASIC and the Defendants in which the Defendants agreed to indemnify ASIC from any and all liability arising out of claims on bonds issued on behalf of Defendant Ocean Atlantic Service Corporation. The lawsuit seeks \$37,202.36 for attorney's fees and consultant costs plus fees and costs and sought an order requiring that the Defendants post \$555,350.97 in collateral with ASIC.

2. On June 9, 2011, this Court granted ASIC's Motion for Entry of Default Judgment against the Defendants and set the matter for prove-up on June 16, 2011 at 9:00 a.m.

3. Since filing this lawsuit on January 28, 2011, ASIC has incurred an additional \$17,580.15 in attorney's fees resulting from this matter and two related matters for a total loss on the Bonds of \$54,782.51. *See* Affidavit of John R. Huot, attached as **Exhibit A**.

4. ASIC seeks entry of a judgment amount against the Defendants in the amount of \$610,133.48 representing the relief sought that the Defendants to post collateral in the amount of \$555,350.97 plus the \$54,782.51 in losses to date. A proposed Judgment Order is attached as **Exhibit B**.

WHEREFORE, American Southern Insurance Company prays for entry of a judgment against the Defendants Ocean Atlantic Service Corporation; PFG-Westbury, LLC; and John C. Carroll in the amount of \$610,133.48.

DATED: June 13, 2011

Respectfully submitted,

**AMERICAN SOUTHERN INSURANCE
COMPANY**

By: /s/ Michael J. Dudek
One of its attorneys

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